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PATENT APPLICATION

ATTORNEY DOCKET NO. 200315232-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John M. Koegler III  
Application No.: 10/661,722  
Filing Date: 09/12/2003

Confirmation No.: 8307  
Examiner: Lamb, Christopher Ray  
Group Art Unit: 2627

Title: Optical Disc Drive Modified for Speed and Orientation Tracking

Mail Stop Appeal Brief - Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEFTransmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 09/17/08.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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HP Docket No. 200315232-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No.	:10/661,722	)
Conf. No.	:8307	)
Appellant	:Koegler III et al.	)
Filed	:09/12/2003	)
Title	:Optical Disk Drive Modified for Speed and Orientation	)
	Tracking	)
TC / Art Unit	:2627	)
Examiner	:Lamb, Christopher Ray	)
Docket No.	:200315232-1	)
Customer No.	:022879	)

Commissioner for Patents

P.O. Box 1450

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**APPELLANTS' REPLY BRIEF**

Sir:

This Reply Brief is presented in opposition to the Examiner's Answer mailed 09/17/2008. Appellants are appealing from the Final Rejection of claims 2-4, 6-22, and 24-33.

**I. RELATED APPEALS AND INTERFERENCES**

The Examiner is correct that Application 10/661,753 (Attorney Docket 200310760-1) contains similar subject matter and similar grounds of rejection, and has been appealed using similar arguments.

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## II. ARGUMENT

The outline structure of the Appeal Brief will be followed in the Reply Brief, as was done by the Examiner in the Examiner's Answer. However, within the outline structure, what is presented is only the counterarguments in response to the Examiner's arguments. Please refer to Appellants' Appeal Brief for additional arguments and for further detail omitted herein.

**A. Claims 2, 4, 7-8, 21-22, 27-30, and 33 were improperly rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent application publication 2002/0191517 by Honda et al. ("Honda") in view of U.S. patent 6,145,368 to Klein ("Klein") and further in view of U.S. patent 5,119,363 to Satoh et al. ("Satoh").**

1. The cited references, in combination, do not teach or suggest all the limitations of Appellants' independent claim 21.
  - a) **The feature of the disk drive configured to track features in annular rings in which a second annular ring is abutting a first annular ring, and where the annular rings are proximate a central hub of the disk, is absent from the combined references, and modifies the operation of the invention.**

First, the Examiner argues that "rearranging the rings so that they abut does not modify the operation of the claimed disk drive" (Examiner's Answer, p.17). The Examiner focuses his arguments only on the rings, and not on the claimed disk as a whole. The Examiner contends that the "rings are used for speed and/or rotation control, and they work exactly the same whether they abut or not. Moving them does not improve the speed or rotating tracking or change how it works in any way" (Examiner's Answer, p.17).

Appellants disagree. The optical disk drive includes "an OPU to apply an image to a coating within a label region of the optical disk" (claim 21). The annular rings of disk speed features and disk angular orientation features are read by an encoder to obtain disk speed data and disk angular orientation data (claim 21). The operation of the OPU is coordinated with this data to apply the image. The function of the disk drive is to apply the visible image